

proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 596. REQUIREMENT OF CONSENT OF THE CHIEF EXECUTIVE OFFICER FOR CERTAIN FULL-TIME NATIONAL GUARD DUTY PERFORMED IN A STATE, TERRITORY, OR THE DISTRICT OF COLUMBIA.

Section 502(f)(2)(A) of title 32, United States Code, is amended by inserting “and performed inside the United States with the consent of the chief executive officer of the State (as that term is defined in section 901 of this title)” after “Defense”.

SA 4301. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 844. PILOT PROGRAM ON DEFENSE INNOVATION OPEN TOPICS.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Under Secretary of Defense for Research and Engineering, the Secretary of the Air Force, Secretary of the Army, and the Secretary of the Navy, shall establish defense innovation open topic activities using the Small Business Innovation Research Program in order to—

- (1) increase the transition of commercial technology to the Department of Defense;
- (2) expand the small business nontraditional defense industrial base;
- (3) increase commercialization derived from defense investments;
- (4) increase diversity and participation among self-certified small-disadvantaged businesses, minority-owned businesses, and disabled veteran-owned businesses; and
- (5) expand the ability for qualifying small businesses to propose technology solutions to meet defense needs.

(b) **FREQUENCY.**—The Department of Defense and the military services shall conduct not less than one open topic announcement per fiscal year.

(c) **BRIEFING.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall provide the congressional defense committees a briefing on the establishment of the program required by subsection (a).

(d) **TERMINATION.**—The pilot program authorized in subsection (a) shall terminate on October 1, 2025.

SA 4302. Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by

Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. _____. ACQUISITION STRATEGY TO MODERNIZE THE JOINT STRIKE FIGHTER PROPULSION SYSTEM.

(a) **IN GENERAL.**—Not later than 14 days after the date on which the budget of the President for fiscal year 2023 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on the modernization of the F135 propulsion system or the integration of the Adaptive Engine Transition Program propulsion system into the Joint Strike Fighter (JSF).

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

- (1) A cost benefit analysis of—
 - (A) integrating the Adaptive Engine Transition Program propulsion system into each of the JSF aircraft variants;
 - (B) modernizing or upgrading the existing F135 propulsion system on each of the JSF variants;
 - (C) future associated infrastructure and sustainment costs of the modernized engine;
 - (D) cost savings associated with variant and Partner commonality; and
 - (E) assess all activities and costs to retrofit and sustain all JSF with a modernized propulsion system.
- (2) An implementation plan to implement such strategy.
- (3) A schedule annotating pertinent milestones and yearly fiscal resource requirements for the implementation of a modernized JSF propulsion system.

SA 4303. Mr. SCHATZ (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BROADBAND DEFENSE FUND.

(a) **DEFINITIONS.**—In this section:

- (1) **ADMINISTRATION.**—The term “Administration” means the National Telecommunications Information Administration.
- (2) **COMMISSION.**—The term “Commission” means the Federal Communications Commission.
- (3) **STATE.**—The term “State” means a State of the United States and the District of Columbia.
- (4) **SUBMARINE CABLE LANDING STATION.**—The term “submarine cable landing station” means a cable landing station, as that term is used in section 1.767(a)(5) of title 47, Code of Federal Regulations (or any successor regulation), that can be utilized to land a submarine cable by an entity that has obtained

a license under the first section of the Act entitled “An Act relating to the landing and operation of submarine cables in the United States”, approved May 27, 1921 (47 U.S.C. 34) (commonly known as the “Cable Landing Licensing Act”).

(5) **TEAM TELECOM.**—The term “Team Telecom” means the interagency working committee of the Federal Communications Commission, the Department of Defense, the Department of Homeland Security, and the Department of Justice, as described in the Report and Order of the Federal Communications Commission issued on October 1, 2020 entitled “Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership”.

(6) **TRANSPORT CAPACITY.**—The term “transport capacity”—

(A) means broadband transmission capability that does not predominantly serve end users or the last mile of the transmission network; and

(B) may include interoffice transport, backhaul, Internet connectivity, middle mile, or long-haul service used for transport of broadband data between network locations other than end-user premises or devices.

(b) **BROADBAND DEFENSE FUND.**—

(1) **NTIA ADMINISTRATION.**—Not later than 1 year after the date on which amounts are made available under paragraph (1), the Administration shall establish the Broadband Defense Fund to provide—

(A) transport capacity in or to connect to States where the headquarters of the United States Indo-Pacific Command are located; and

(B) open access carrier neutral submarine cable landing stations in States where the headquarters of the United States Indo-Pacific Command are located.

(2) **AWARD OF SUPPORT.**—The Administration shall establish a process to award amounts from the Broadband Defense Fund under this section in accordance with the following requirements:

(A) Support shall be awarded only for deployment, maintenance, and operation of transport broadband capacity, in locations or on routes that are not supported or expected to be supported under any other of the high-cost universal service support programs of the Federal Communications Commission.

(B) The Administration shall establish criteria for awarding support in a manner consistent with this section, including supporting the broadband needs of the United States Indo-Pacific Command and the surrounding communities.

(3) **OBLIGATIONS OF FUND RECIPIENTS.**—

(A) **IN GENERAL.**—The Administration shall ensure that each recipient of amounts from the Broadband Defense Fund is legally, technically, and financially qualified to complete the required broadband deployment within the term of support.

(B) **ACCESS.**—Recipients of amounts from the Broadband Defense Fund shall provide carrier-neutral wholesale access to landing spots and transport capacity supported by the Fund—

(i) on just, reasonable, affordable, and reasonably non-discriminatory terms, as determined by rules issued by the Administration; and

(ii) at rates no higher than the national average wholesale price of comparable wholesale telecommunications transport services, as determined by the Administration.

(C) **VENDER VETTING.**—Any grant, subgrant, or contract awarded using amounts from the Broadband Defense Fund relating to a submarine cable landing station or undersea transport capacity activity may only be

awarded to a vendor that has been vetted and approved by Team Telecom.

(4) **APPROPRIATIONS.**—The Broadband Defense Fund shall consist of amounts appropriated to the Broadband Defense Fund by an Act of Congress.

SA 4304. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 844. ENTREPRENEURIAL INNOVATION PROJECT DESIGNATIONS.

(a) **IN GENERAL.**—

(1) **DESIGNATING CERTAIN SBIR AND STTR PROGRAMS AS ENTREPRENEURIAL INNOVATION PROJECTS.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2359b the following new section:

“§2359c Entrepreneurial Innovation Project designations

“(a) **IN GENERAL.**—During the first fiscal year beginning after the date of the enactment of this section, and during each subsequent fiscal year, each Secretary concerned, in consultation with the each chief of an armed force under the jurisdiction of the Secretary concerned, shall designate not less than five eligible programs as Entrepreneurial Innovation Projects.

“(b) **APPLICATION.**—An eligible program seeking designation as an Entrepreneurial Innovation Project under this section shall submit to the Secretary concerned an application at such time, in such manner, and containing such information as the Secretary concerned determines appropriate.

“(c) **DESIGNATION CRITERIA.**—In making designations under subsection (a), the Secretary concerned shall consider—

“(1) the potential of the eligible program to—

“(A) advance the national security capabilities of the United States;

“(B) provide new technologies or processes, or new applications of existing technologies, that will enable new alternatives to existing programs; and

“(C) provide future cost savings;

“(2) whether an advisory panel has recommended the eligible program for designation; and

“(3) such other criteria that the Secretary concerned determines to be appropriate.

“(d) **DESIGNATION BENEFITS.**—

“(1) **FUTURE YEARS DEFENSE PROGRAM INCLUSION.**—With respect to each designated program, the Secretary of Defense shall include in the next future-years defense program the estimated expenditures of such designated program. In the preceding sentence, the term ‘next future-years defense program’ means the future-years defense program submitted to Congress under section 221 of this title after the date on which such designated program is designated under subsection (a).

“(2) **PROGRAMMING PROPOSAL.**—Each designated program shall be included by the Secretary concerned under a separate heading in any programming proposals submitted to the Secretary of Defense.

“(3) **PPBE COMPONENT.**—Each designated program shall be considered by the Secretary

concerned as an integral part of the planning, programming, budgeting, and execution process of the Department of Defense.

“(e) **ENTREPRENEURIAL INNOVATION ADVISORY PANELS.**—

“(1) **ESTABLISHMENT.**—For each military department, the Secretary concerned shall establish an advisory panel that, starting in the first fiscal year beginning after the date of the enactment of this section, and in each subsequent fiscal year, shall identify and recommend to the Secretary concerned for designation under subsection (a) eligible programs based on the criteria described in subsection (c)(1).

“(2) **MEMBERSHIP.**—

“(A) **COMPOSITION.**—

“(i) **IN GENERAL.**—Each advisory panel shall be composed of four members appointed by the Secretary concerned and one member appointed by the chief of the relevant armed force under the jurisdiction of the Secretary concerned.

“(ii) **SECRETARY CONCERNED APPOINTMENTS.**—The Secretary concerned shall appoint members to the advisory panel as follows:

“(I) Three members who—

“(aa) have experience with private sector entrepreneurial innovation, including development and implementation of such innovations into well established markets; and

“(bb) are not employed by the Federal Government.

“(II) One member who is in the Senior Executive Service in the acquisition workforce (as defined in section 1705 of this title) of the relevant military department.

“(iii) **SERVICE CHIEF APPOINTMENT.**—The chief of an armed force under the jurisdiction of the Secretary concerned shall appoint to the advisory panel one member who is a member of such armed forces.

“(B) **TERMS.**—

“(i) **PRIVATE SECTOR MEMBERS.**—Members described in subparagraph (A)(i)(I) shall serve for a term of three years, except that of the members first appointed—

“(I) one shall serve a term of one year;

“(II) one shall serve a term of two years; and

“(III) one shall serve a term of three years.

“(ii) **FEDERAL GOVERNMENT EMPLOYEES.**—Members described in clause (ii)(II) or (iii) of subparagraph (A) shall serve for a term of two years, except that the first member appointed under subparagraph (A)(iii) shall serve for a term of one year.

“(C) **CHAIR.**—The chair for each advisory panel shall be as follows:

“(i) For the first year of operation of each such advisory panel, and every other year thereafter, the member appointed under subparagraph (A)(iii).

“(ii) For the second year of operation of each such advisory panel, and every other year thereafter, the member appointed under subparagraph (A)(ii)(II).

“(D) **VACANCIES.**—A vacancy in an advisory panel shall be filled in the same manner as the original appointment.

“(E) **CONFLICT OF INTEREST.**—Members and staff of each advisory panel shall disclose to the relevant Secretary concerned, and such Secretary concerned shall mitigate to the extent practicable, any professional or organizational conflict of interest of such members or staff arising from service on the advisory panel.

“(F) **COMPENSATION.**—

“(i) **PRIVATE SECTOR MEMBER COMPENSATION.**—Except as provided in clause (ii), members of an advisory panel, and the support staff of such members, shall be compensated at a rate determined reasonable by the Secretary concerned and shall be reimbursed in accordance with section 5703 of title 5 for reasonable travel costs and ex-

penses incurred in performing duties as members of an advisory panel.

“(ii) **PROHIBITION ON COMPENSATION OF FEDERAL EMPLOYEES.**—Members of an advisory panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on an advisory panel.

“(3) **SELECTION PROCESS.**—

“(A) **INITIAL SELECTION.**—Each advisory panel shall select not less than ten eligible programs that have submitted an application under subsection (b).

“(B) **PROGRAM PLANS.**—

“(i) **IN GENERAL.**—Each eligible program selected under subparagraph (A) may submit to the advisory panel that selected such eligible program a program plan containing the five-year goals, execution plans, schedules, and funding needs of such eligible program.

“(ii) **SUPPORT.**—Each Secretary concerned shall, to the greatest extent practicable, provide eligible programs selected under subparagraph (A) with access to information to support the development of the program plans described in clause (i).

“(C) **FINAL SELECTION.**—Each advisory panel shall recommend to the Secretary concerned for designation under subsection (a) not less than five eligible programs that submitted a program plan under subparagraph (B) to such advisory panel. If there are less than five such eligible programs, such advisory panel may recommend to the Secretary concerned for designation under subsection (a) less than five such eligible programs.

“(4) **ADMINISTRATIVE AND TECHNICAL SUPPORT.**—The Secretary concerned shall provide the relevant advisory panel with such administrative support, staff, and technical assistance as the Secretary concerned determines necessary for such advisory panel to carry out its duties.

“(5) **FUNDING.**—The Secretary of Defense may use amounts available from the Department of Defense Acquisition Workforce Development Account established under section 1705 of this title to support the activities of advisory panels.

“(6) **INAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the advisory panels established under this subsection.

“(f) **REVOCATION OF DESIGNATION.**—If the Secretary concerned determines that a designated program cannot reasonably meet the objectives of such designated program in the relevant programming proposal referred to in subsection (d)(2) or such objectives are irrelevant, such Secretary concerned may revoke the designation.

“(g) **REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress an annual report describing each designated program and the progress each designated program has made toward achieving the objectives of the designated program.

“(h) **DEFINITIONS.**—In this section:

“(1) **ADVISORY PANEL.**—The term ‘advisory panel’ means an advisory panel established under subsection (e)(1).

“(2) **DESIGNATED PROGRAM.**—The term ‘designated program’ means an eligible program that has been designated as an Entrepreneurial Innovation Project under this section.

“(3) **ELIGIBLE PROGRAM.**—The term ‘eligible program’ means work performed pursuant to a Phase III agreement (as such term is defined in section 9(r)(2) of the Small Business Act (15 U.S.C. 638(r)(2))).”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by inserting after the item related to section 2359b the following new item: